



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

(1) First and Final Account and Report of Personal Representative, Petition for Settlement and (2) Allowance of Ordinary Attorney's Fees and Waiver of Commission, Closing Expenses and (3) for Final Distribution

DOD: 9-5-09		KATHLEEN BROWN , Administrator With Full IAEA without bond, is Petitioner. Account period: 9-5-09 through 12-8-13 Accounting: \$197,939.75 Beginning POH: \$197,320.02 Ending POH: \$180,990.17 (\$10,990.17 cash plus real property) Administrator (Statutory): Waived Attorney (Statutory): \$6,919.60 Costs: \$493.00 Distribution pursuant to intestate succession, Waiver of Heirs Re Adjustment of Value of Vehicle Transferred to Remaining Heir, and Agreement Regarding Real Property is: Kathleen Brown: \$1,192.52 cash plus real property valued at \$170,000.00. Craig A. Brown: \$1,192.52 cash Kelley E. Brown: \$1,192.52 cash	NEEDS/PROBLEMS/COMMENTS:	
			1. The decedent's intestate heirs are his three children, Kathleen Brown, Craig Brown, and Kelley Brown. The Agreement Regarding Real Property distributes the house solely to Kathleen Brown, who shall be responsible for payment of the property taxes, utilities, maintenance, and upkeep, but also contains promises regarding equalization and distribution upon future events, such as if Kathleen Brown sells the house or dies. Pursuant to the agreement, the house is now being distributed solely to Kathleen Brown; however, Examiner notes that this Probate Court does not have jurisdiction over the future events contemplated in the agreement, and the agreement, in essence, may be treated by the Court as an assignment of interest by the other two heirs. The other two heirs are not represented. As such, the Court may require confirmation that the parties understand that the outcome of the agreement is distribution to Kathleen only.	
<input checked="" type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input checked="" type="checkbox"/>	Inventory			
<input checked="" type="checkbox"/>	PTC			
<input checked="" type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
<input checked="" type="checkbox"/>	Aff.Mail		w	
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
<input checked="" type="checkbox"/>	Letters		1-29-10	
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
<input checked="" type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
<input checked="" type="checkbox"/>	FTB Notice			
		Reviewed by: skc Reviewed on: 2-10-14 Updates: Recommendation: File 1 – Brown		

First and Final Account: Report of Conservator; and (1) Petition for Approval of Account and Report and (2) Conservator's Fees and (3) Attorney's Fees and (4) Reimbursement of Costs to Attorney and (5) Distribution of Conservatorship Assets Due to Death of Conservatee

DOD: 9-1-13			NANCY QUEMADA LAU , Conservator, is Petitioner.			NEEDS/PROBLEMS/COMMENTS:		
Cont. from 012814						<u>Continued from 1-28-14</u>		
	Aff.Sub.Wit.							
✓	Verified		Subsequent Account Period:			Minute Order 1-28-14:		
	Inventory		9-2-13 through 10-16-13			Patrick Hanrahan appears		
	PTC		Accounting: \$484,939.17			via Courtcall. Mr. Hanraham		
	Not.Cred.		Beginning POH: \$482,641.17			will cure defects. Continued		
✓	Notice of Hrg		Ending POH: \$481,469.55			to 2-18-14.		
✓	Aff.Mail	w	(\$469.55 cash plus two residential properties in Los Angeles, CA)			<u>As of 2-10-14, nothing further has been filed. The following issues remain:</u>		
	Aff.Pub.		Conservator: Waived					
	Sp.Ntc.		Attorney: \$6,409.00 (8.6 attorney hours @ \$290/hr and 29 paralegal hours @ \$135/hr per declaration including 6 hours of <u>anticipated</u> attorney and paralegal time of \$1,275. See Notes.			<u>SEE ADDITIONAL PAGES</u>		
	Pers.Serv.		Costs: \$607.30					
	Conf. Screen		Petitioner prays for an order:					
	Letters		1. Settling, allowing, and approving the first and final account as filed;					
	Duties/Supp		2. Confirming and approving all acts and transactions of Petitioner as Conservator;					
	Objections		3. Authorizing payment of the Attorney fees and costs;					
	Video Receipt		4. Authorizing distribution of the conservatorship estate to Petitioner as trustee of the Quemada Family Living Trust dated 2-4-2000;					
	CI Report		5. Discharge upon distribution and filing of proper receipts; and					
	9202		6. For such other relief as the Court may deem just and proper.					
	Order	X						
	Aff. Posting					Reviewed by: skc		
	Status Rpt					Reviewed on: 2-10-14		
	UCCJEA					Updates:		
	Citation					Recommendation:		
	FTB Notice					File 2 – Quemada		

NEEDS/PROBLEMS/COMMENTS:

1. Need account statements pursuant to Probate Code §2620(c).
2. The Conservatee owns two houses in Los Angeles; however, it appears she was only receiving rent from one of them. It appears that family members reside in both residences. Further, it appears that the Conservatee was paying a mortgage and utilities for one or both of these homes, but it is unclear which one. Need clarification.
3. The Conservatee resided with Petitioner in Petitioner's home for the duration of the conservatorship. However, the disbursements schedule indicates numerous and frequent disbursements for grocery and household expenses (Costco, Trader Joe's, Walmart, Food 4 Less, AT&T, reimbursements to Petitioner for utilities, meals, etc.).

In addition, the disbursements schedule also indicates numerous and frequent shopping trips and restaurant meals during the account period with totals such that it appears the conservatorship estate was paying the entirety of the bill for the party (Yosemite Falls Café, Andiamo, Macy's, Target, fast food, etc.).

Need clarification regarding whether the Conservatee was paying an appropriate share of the household and living/entertainment expenses.
4. The disbursements schedule also indicates a security deposit and ongoing rent and utilities for an apartment for "½ Rent with Susie Perez moved to Clovis to help me with mom's physical care." Who is Susie Perez? A family member? Nonrelative Caregiver? These expenses do not appear to be compliant with the conservator's duty not to make gifts, etc., without disclosure and authority. See Cal. Rules of Court 7.1059 and Duties of Conservator.
5. Need clarification regarding the numerous bank fees for "checks and/or withdrawals over limit." Given the numerous disbursements noted above, it does not appear that the estate was being prudently managed if the estate was incurring overdraft fees.
6. Petitioner requests distribution of the conservatorship estate assets including real property valued at \$481,000.00 directly to a family trust pursuant to the conservatee's will; however, real property cannot be distributed directly from a conservatorship estate. See Probate Code §2631 (distribution of personal property only pursuant to §13100 affidavit). It appears this petition cannot be granted as prayed, and appointment of a personal representative for the estate may be necessary. Amendment of this petition may be necessary.
7. Given the above noted issues, the Court may require clarification regarding the request that the conservator's acts during the account period be confirmed and approved. The Court may require modified language or may strike this from the final order.
8. Attorney's fees include \$1,275 for anticipated 3 hours of attorney time and 3 hours of paralegal time that will be spent to review these Examiner Notes and prepare supplement.
9. Attorney's fees and costs include the paralegal's communications with the attorney service One Legal regarding document filing and costs for retrieval totaling \$433.30. Service expenses of this nature may be considered by the Court to be cost of doing business pursuant to Local Rule 7.17. The Court may require this amount to be deducted from the total requested.

Atty Perez, Holley H., of Perez, Williams, Medina & Rodriguez (for Petitioner Robert F. Perez)

(1) First and Final Report of Executor, and Waiver of Accounting and (2) Petition for Distribution

			NEEDS/PROBLEMS/COMMENTS: CONTINUED TO 3/4/2014 Per Attorney Request
Cont. from			
	Aff.Sub.Wit.		
	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: LEG
			Reviewed on: 2/10/14
			Updates:
			Recommendation:
			File 3 – Perez

Report of Sale and Petition for Order Confirming Sale of Real Property

			KAREN WILLIAMS is		NEEDS/PROBLEMS/COMMENTS: Continued from 1/29/14. As of 2/10/14 the following issues remain. 1. Need Affidavit of Publication. 2. #4a of the petition does not state the manner of vesting title. 3. Need blocking order. Note: If the petition is granted, status hearings will be set as follows: • Friday, March 28, 2014 at 9:00 a.m. in Department 303, for the filing of the receipt for blocked account. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.
			Administrator/petitioner.		
Cont. from 012914			Sale price	- \$120,000.00	
	Aff.Sub.Wit.		Overbid	- \$126,500.00	
✓	Verified		Reappraisal	- \$130,000.00	
✓	ReAppraisal				
	PTC		Property	- 5217 E.	
	Not.Cred.		Blossom Lane, Fresno		
✓	Notice of Hrg		Publication	- NEED	
✓	Aff.Mail	w/			
	Aff.Pub.	X	Buyers	- Gurshakti	
	Sp.Ntc.		Gill and Jaspreet Kaur		
	Pers.Serv.				
	Conf. Screen				
	Letters		Broker	- \$7,200.00	
	Duties/Supp		(6% - payable to ReMax)		
	Objections				
	Video Receipt		Proceeds of the sale will be placed into a blocked account.		
	CI Report				
	9202				
✓	Order				
	Aff. Posting				
	Status Rpt				
	UCCJEA				
	Citation				
	FTB Notice				

Reviewed by: KT
Reviewed on: 2/10/14
Updates:
Recommendation:
File 5 – Williams

Atty Krbechek, Randolph (for Petitioners)

Petition to Determine Succession to Real Property (Prob. C. 13151)

DOD: 7/26/2000		MARY MCGEE, RITA JONES, EARL LOCKHART, JR., EVERLENER SMITH, JACKIE LOCKHART, ARTHUR LOCKHART, DAVID LOCKHART, RICKY LOCKHART, JAMES LOCKHART, grandchildren, are petitioners. 40 days since DOD. No other proceedings. Decedent died intestate. I & A - \$110,000.00 Petitioners request court confirmation that Decedent's 25% interest in real property located at 962 75 th Ave Oakland, CA pass to 1/10 to each of them pursuant to intestate succession.	NEEDS/PROBLEMS/COMMENTS: Continued from 1/7/14. As of 2/10/14 the following issues remain: 1. A Petition to Determine Succession to Real Property was previously filed for this decedent (that petition was denied on 1/31/13). In the previously filed petition the petitioners were requesting a 50% interest pass to petitioners. (This decedent had a 25% interest in the real property and her sister had another 25% interest. The petition alleged that decedent's sister's 25% interest belonged to this decedent because the sister had died and decedent was her sole heir). The Inventory and Appraisal in the first filed petition listed the value of the property (50%) at \$110,000.00. This petition includes a copy of the same inventory and appraisal valued (25%) at \$110,000. How can the 50% interest alleged in the first filed petition and 25% interest as alleged in this petition both be valued at \$110,000? 2. Decedent was also survived by a 10 th grandchild, Opal White. Opal White died on 5/25/05 (after this decedent) therefore her estate is entitled to a 1/10 share of this estate. Petition states her son, Danny Brown has filed an Affidavit Re: Real Property of Small Value to pass Opal's interest in the real property to him. However, Opal's interest must first pass to her. In addition, someone (a special administrator?) will need to sign this petition on her behalf. Note: A special administrator cannot be appointed in this estate for Opal. A special administrator will need to be appointed in a new case for Opal's estate. 3. Need Order.	
Cont. from 010714				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			w/
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order	x		
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			

Reviewed by: LV/KT
Reviewed on: 2/10/2014
Updates:
Recommendation:
File 6 – Raymond

Atty Motzenbocker, Gary L., sole practitioner (for Petitioner Morris R. Martinez)

(1) First and Final Account and Report of Executor and Petition for Its Settlement
and (2) for Allowance of Attorney Fees and (3) Final Distribution

DOD: 11/20/2012		MORRIS R. MARTINEZ , son and Executor, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 9/30/2013 – 11/14/2013	
Cont. from		Accounting - \$139,377.19	
<input type="checkbox"/>	Aff.Sub.Wit.	Beginning POH - \$125,000.00	
<input checked="" type="checkbox"/>	Verified	Ending POH - \$130,834.09 (all cash)	
<input checked="" type="checkbox"/>	Inventory		
<input checked="" type="checkbox"/>	PTC	Executor - waives	
<input checked="" type="checkbox"/>	Not.Cred.	Attorney - \$5,181.32 (statutory)	
<input checked="" type="checkbox"/>	Notice of Hrg	Closing - \$1,000.00 (for accountant's fees for final fiduciary income tax return; misc. closing;)	
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen	Distribution pursuant to Decedent's Will is to:	
	Letters 021913	<ul style="list-style-type: none"> • ANTHONY MARTINEZ – \$20,775.46 cash; • ELIZABETH MARTINEZ – \$20,775.46 cash; • MORRIS R. MARTINEZ – \$20,775.46 cash; • PRISCILLA A. MORRISON – \$20,775.46 cash; • CHRISTINE CRUZ – \$20,775.46 cash; • CELESTE AVILA – \$20,775.46 cash. 	
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
<input checked="" type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
<input checked="" type="checkbox"/>	FTB Notice		

Reviewed by: LEG
Reviewed on: 2/10/14
Updates:
Recommendation: SUBMITTED
File 7 – Martinez

Atty Dowling, Michael P., sole practitioner (for Respondent Cara Alexander Gimlin, Successor Trustee)
 Atty Sherwood, Peter A., of Sherwood Law Offices, Visalia (for Linda Alexander Di Michillie, Successor Trustee)
 Pro Per Alexander, Kenneth A.; Alexander, Suzanne M., Trust Beneficiaries

Petition for Confirmation of Proposed Distribution of Alexander Family 1998 Revocable Trust - Survivor's Trust Pursuant to Court Order

Carolyn DOD: 6/17/2002	<p>CARA A. ALEXANDER GIMLIN, daughter and Successor Trustee of the ALEXANDER FAMILY 1998 REVOCABLE TRUST as amended (aka SURVIVOR'S TRUST, is Petitioner.</p> <p>Petitioner states:</p> <ul style="list-style-type: none"> LINDA ALEXANDER DE MICHILLIE, daughter and Successor Trustee of the ALEXANDER DISCLAIMER TRUST; CARA A. ALEXANDER GIMLIN, as Successor Trustee of the ALEXANDER FAMILY 1998 REVOCABLE TRUST – SURVIVOR'S TRUST; and KENNETH A. ALEXANDER, son, and SUZANNE M. ALEXANDER, daughter-in-law, all participated in a Mandatory Settlement Conference before the Honorable Robert Oliver on 6/20/2013 and agreed to settle their disputes; An Order Re: Settlement and Stipulation for the Petition for Order Confirming Ownership Interest in Real Property was filed on 8/22/2013 in connection with the agreed settlement in this matter; pursuant to Section 13 of the Order, this Court retained jurisdiction over the SURVIVOR'S TRUST; Petitioner has complied with the terms of the Court's Order in connection with this matter and hereby presents this final report and proposed distribution of the SURVIVOR'S TRUST; The real property located on Mar Vista Drive in Monterey has been sold pursuant to the Order in this matter (copy of Seller's Final Closing Statement attached as Exhibit A); A portion of the proceeds have been distributed to the beneficiaries of the SURVIVOR'S TRUST, including all amounts owed to KENNETH A. ALEXANDER and SUZANNE M. ALEXANDER for reimbursement of out-of-pocket expenses and ½ of profit; the remainder is on hand and available for final distribution; <p align="center">~Please see additional page~</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>	
Arthur DOD: 11/21/2011			
Cont. from			
<input type="checkbox"/> Aff.Sub.Wit.			
<input checked="" type="checkbox"/> Verified			
<input type="checkbox"/> Inventory			
<input type="checkbox"/> PTC			
<input type="checkbox"/> Not.Cred.			
<input checked="" type="checkbox"/> Notice of Hrg			
<input checked="" type="checkbox"/> Aff.Mail			W/
<input type="checkbox"/> Aff.Pub.			
<input checked="" type="checkbox"/> Sp.Ntc.			
<input type="checkbox"/> Pers.Serv.			
<input type="checkbox"/> Conf. Screen			
<input type="checkbox"/> Letters			
<input type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
<input checked="" type="checkbox"/> Order			
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			
		<p>Reviewed by: LEG</p> <p>Reviewed on: 2/10/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 8 – Alexander</p>	

Petitioner states, continued:

- The real property located on Marettimo in Monterey has been sold (*copy of Seller's Final Closing Statement attached as Exhibit B*);
- A portion of the proceeds have been distributed to the beneficiaries; a copy of the Instructions for Distributing the stock is attached as *Exhibit C*;
- no stocks remain on hand for final distribution;
- The federal and California income tax returns for the **SURVIVOR'S TRUST** have been filed and taxes paid through 12/31/2012; a refund of a portion of the taxes paid has been deposited into the bank account of for the **SURVIVOR'S TRUST** and is available for final distribution;
- Final federal and California income tax returns will be due for the **SURVIVOR'S TRUST** through final distribution; a reserve in the amount of **\$75,000.00** is being withheld from the proposed distribution for payment of these income taxes, accountant's fees, and other miscellaneous expenses that may become due;
- A Proposed Distribution Schedule for the **SURVIVOR'S TRUST** is attached as *Exhibit D*, which includes the assets of the **SURVIVOR'S TRUST** at the end of the last account period on 9/30/2012; the proposed distribution will be made from the balance of the assets on hand as of 10/30/2013;
- Proposed Distribution Schedule sets forth the preliminary distribution of the stocks and the cash to **KENNETH A. ALEXANDER, LINDA ALEXANDER DE MICHILLIE, and CARA A. ALEXANDER GIMLIN**, as the beneficiaries of the **SURVIVOR'S TRUST**, made since the end of the last accounting period;
- The beneficiaries have waived any further accounting of the **SURVIVOR'S TRUST** pursuant to the Order at Section 9, Page 7;
- The assets on hand as of 10/30/2013 consist of cash in the amount of **\$295,656.79**;
- As set forth on *Exhibit D*, the **SURVIVOR'S TRUST** should be distributed as follows:
 - **KENNETH A. ALEXANDER – \$98,522.26** (consisting of **\$73,552.27** cash and **\$25,000.00** reserve);
 - **LINDA ALEXANDER DE MICHILLIE – \$98,522.26** (consisting of **\$73,552.27** cash and **\$25,000.00** reserve);
 - **CARA A. ALEXANDER GIMLIN – \$98,522.26** (consisting of **\$73,552.27** cash and **\$25,000.00** reserve).
- The **SURVIVOR'S TRUST** is in a condition to be closed.

Petitioner requests the Court order that:

1. The administration of the **SURVIVOR'S TRUST** be brought to a close;
2. The *Petition for Confirmation of Proposed Distribution of the SURVIVOR'S TRUST* be settled, allowed and approved;
3. All acts and proceedings of Petitioner as Successor Trustee be confirmed and approved; and
4. Distribution of the **SURVIVOR'S TRUST** in Petitioner's hands and any other property of the **SURVIVOR'S TRUST** not now known or discovered by made in equal shares to **KENNETH A. ALEXANDER, LINDA ALEXANDER DE MICHILLIE, and CARA A. ALEXANDER GIMLIN**.

Petition for Attorney's Fees and Reimbursement of Costs Advanced

		<p>JANET L. WRIGHT, Court-appointed attorney for Conservatee, is Petitioner.</p> <p>Petitioner was court appointed to represent the Conservatee on 5-13-13 in connection with her objection to the sale of her real and personal property.</p> <p>Petitioner asks that she be paid \$4,347.25 from the conservatorship estate in connection with her representation of the Conservatee for services including travel and meeting with the Conservatee, preparation of objection and other documentation, communication with family members and Public Guardian, etc., per itemized declaration, which includes \$870.00 in filing fees.</p> <p>Itemized declaration includes 9.75 attorney hours @ \$200-325/hr and 3.3 paralegal hours @ \$120/hr.</p> <p>Petitioner is informed and believes that the Conservatee has sufficient assets for the payment of fees and reimbursement of costs as set forth above.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Pursuant to Stipulation Regarding Sale of Real Property (Former Residence) and Personal Property of the Estate filed 7-12-13, the Court signed the Order Authorizing Sale of Real Property (Former Residence) and Personal Property of the Estate on 7-15-13.</p> <p>Note: The Court will set a status hearing for the filing of the First Account by the Public Guardian as follows:</p> <ul style="list-style-type: none"> Friday September 5, 2014 <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.</p>
Cont. from 121613			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		<p>Reviewed by: skc</p> <p>Reviewed on: 2-10-14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 9 – Togo</p>	

DOD: 11/29/2012		SPECIAL ADMINISTRATION EXPIRED 1-24-13	NEEDS/PROBLEMS/COMMENTS:
		DOUGLAS CLEVINGER , son, is petitioner and requests appointment as special administrator with bond set at \$85,000.00.	<u>SEE ADDITIONAL PAGES</u>
		Decedent died intestate.	
		Residence: Fresno	
Cont. from 092413, 120313, 010713		Inventory and Appraisal Value: \$85,000.00 (real property located at 4660 E. Brown in Fresno only)	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		<p>Petitioner states he is the son of the decedent and had no contact with his father for more than 40 years. The decedent had been married several times. He was divorced from his most recent wife prior to his death. The only other known child of the decedent is Cynthia Fore. After extensive search, Petitioner states he has been unable to locate his half-sister. Two months prior to his death, decedent purchased real property located in Fresno. The decedent's other known assets are \$14,000 in a Citi Bank account, a Schwab account with approximately \$1,400.00 and a pick-up truck of nominal value. Therefore the total value of the estate is approximately \$100,400. Given the size of the estate the petitioner is able collect his ½ of the bank accounts and vehicle using an Affidavit under Probate Code §13100. Accordingly Petitioner is not asking for relief with respect to collecting the money or vehicle.</p> <p>Petitioner requests appointment as special administrator with the authority to sell the decedent's real property and deposit the proceeds into the decedent's bank account.</p> <p>Following the sale the Petitioner will then be able to present an Affidavit under Probate Code §13100 to collect his ½ interest in the estate.</p> <p>Minute Order 9-24-13: This matter must be published. The Court grants petitioner special administrator for the purposes of listing the house for sale. Mr. Matlak to prepare order. Mr Matlak is to file a report of sale petition. This petition is continued to the same date. Continued to: [Pending] at 09:00a.m. in Dept 303. Set on: 1/24/14 at 09:00a.m. in Dept 303 for: Status Hearing.</p> <p align="center"><u>SEE ADDITIONAL PAGES</u></p>	
		<p>Reviewed by: KT / skc /KT</p> <p>Reviewed on: 2/10/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 10 – Fore</p>	

Order for Probate filed 9-27-13 appoints Petitioner as Special Administrator with an expiration date of 1-24-13 with special powers to enter into an exclusive listing agreement and enter into a contract to sell the property, subject to court approval of the terms and conditions of the sale; notice of hearing to be served per Probate Code §1220 and published per Probate Code §8121.

Update: Agreement and Assignment of Cindy Nicholls filed 9-30-13 by Brandenburger & Davis (heir finder) indicates that in consideration of their having located her and brought her estate interest to her attention, Ms. Nicholls, nee Fore, assigns one-third of her interest in the estate to Brandenburger & Davis. Brandenburger & Davis also filed a Request for Special Notice to attorney Tracy Potts of Sacramento.

The Report of Sale and Petition for Order Confirming Sale of Real Property and to Determine the Disposition of the Sale Proceeds was filed 10-24-13 and set for hearing on 12-3-13 (Page 10B of this calendar), and as such, this original petition matter was continued to 12-3-13 pursuant to the 9-24-13 minute order.

Consent of Cindy Nicholls to Report of Sale and Petition for Order Confirming Sale of Real Property and to determine the Disposition of the Sale Proceeds was filed 11-6-13.

Note that as of 1/6/14, nothing further has been filed with respect to the probate estate, including publishing pursuant to Probate Code §8121. (Notice of Sale was published pursuant to Probate Code §10300; however, that notice does not meet the requirements of publishing for opening estate administration pursuant to Probate Code §8121, as required.)

NEEDS/PROBLEMS/COMMENTS:

1. **Examiner Notes previously stated:** It appears that the petitioner wants to probate and distribute the estate without any court oversight or notice to creditors, including the Franchise Tax Board, Department of Health Services, etc. This does not appear to be the proper use of a special administration.

Probate Code §8546(c) states the Special Administrator must account in the same manner as a general personal representative. Therefore it appears that a general personal representative would be more appropriate.

There could be other heirs that are unknown to Petitioner and that is why publication is necessary, for notice to be given to other potential heirs of the decedent, especially given the fact the petitioner had not seen his father in 40 years.

At this time, the following additional issues are noted:

2. Petitioner states that given the size of the estate, Petitioner is permitted to collect his one-half interest using affidavit under Probate Code §13100 and is therefore not including those assets or requesting any relief herein with respect to the bank accounts and vehicle with a total approx. value of \$15,400.00.

This may not be appropriate considering that the Petitioner is not the only heir to the estate, has opened this special administration, and is now requesting court confirmation of sale and distribution of proceeds pursuant to intestate succession.

The Court may require authority for handling the additional assets via summary proceeding separate from the existing probate estate. See Probate Code §8000 et seq. (Opening Estate Administration, etc.)

SEE ADDITIONAL PAGES

3. Court records indicate that there were ongoing proceedings in Mr. Fore's dissolution matter (Fresno Superior Court Case No. 08CEFL03393) at the time of his death. Although the Judgment of Dissolution was entered on 11-1-11, it appears there were ongoing proceedings with regard to beneficiary designation on certain accounts/assets. Therefore, Qiao-Zhen Chen Fore, the decedent's former spouse, may be an heir entitled to notice of a petition to administer the estate.
4. I&A filed 9-3-13 states at #3 that the I&A contains all of the assets of the estate. However, the I&A lists only the house valued at \$85,000.00. The Court is aware, pursuant to statements in the original petition, as noted above, of at least \$15,400.00 of additional assets. The Court will require amended I&A once a probate estate established.
5. Based on the above concerns, the Court may require a Petition for Letters of Administration to be filed and properly noticed pursuant to Probate Code §8000, et seq.
6. This matter was never published (Notice of Petition to Administer the Estate) as required by Minute Order dated 9/24/13.

Atty Boyajian, Thomas M., sole practitioner (for Petitioner Drake K. Cotton)

Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 1/17/2013			DRAKE K. COTTON , son and named Co-Executor without bond, is Petitioner. <i>(Named Co-Executor declines to act.)</i> Full IAEA – O.K. Will Dated: 5/27/2009 Residence: Fresno Publication: Business Journal <u>Estimated value of the Estate:</u> Personal property - \$ 2,000.00 Real property - <u>\$205,000.00</u> Total - \$207,000.00 Probate Referee: Steven Diebert	NEEDS/PROBLEMS/COMMENTS: 1. Need <i>Duties and Liabilities of Personal Representative</i> form, and <i>Confidential Supplement to Duties and Liabilities of Personal Representative</i> form, pursuant to Local Rule 7.10.1 and Probate Code § 8404.
Cont. from				
✓	Aff.Sub.Wit.	S/P		
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail	W/		
✓	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
✓	Letters			
	Duties/Supp	X		
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			

Reviewed by: LEG
Reviewed on: 2/10/14
Updates:
Recommendation:
File 11 – Cotton

Status Hearing Re: Filing of Receipt of Funds in Blocked Account

		ERICA DORFMEIER is Administrator.	NEEDS/PROBLEMS/COMMENTS:
		On 12/19/2013 the First and Final Account of Administrator was approved.	
		The Order allowed for Distribution of \$513,488.89 cash to be placed into a blocked account for the minor beneficiary Jordan O'Neal (age 16).	<p>Continued from 1/17/14. Minute Order states no appearances. Mr. Fishman is ordered to be personally present on 2/18/14. Copy of the minute order was mailed to Mr. Fishman on 1/17/14.</p> <p>1. Need receipts for blocked accounts from Chase Bank and from Fresno County Federal Credit Union.</p>
Cont. from 011714		This status hearing was set for the filing of a receipt for blocked account.	
Aff.Sub.Wit.		Receipt for Blocked Account filed on 1/7/14.	
Verified		The Receipt for Blocked Account shows that \$513,488.89 was deposited at Wells Fargo. This amount exceeds the amount that is federally insured.	
Inventory		An Ex Parte Order to make Interbank Transfer of Funds from Blocked Account was filed on 2/5/14 ordering Wells Fargo to transfer \$239,082.00 into a blocked account at Chase Bank and to transfer \$239,082.00 from Wells Fargo into a blocked account at Fresno County Federal Credit Union.	
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
			Reviewed by: KT
			Reviewed on: 2/10/14
			Updates:
			Recommendation:
			File 13 – O'Neal

Status Hearing Re: Filing of Receipt of Funds in Blocked Account

		ERICA DORFMEIER is Administrator.	NEEDS/PROBLEMS/COMMENTS:
		On 12/19/2013 the First and Final Account of Administrator was approved.	
		The Order allowed for Distribution of \$202,676.24 cash to be placed into a blocked account for the minor beneficiary Jordan O'Neal (age 16).	Continued from 1/17/14. Minute Order states no appearances. Mr. Fishman is ordered to be personally present on 2/18/14. Copy of the minute order was mailed to Mr. Fishman on 1/17/14.
		This status hearing was set for the filing of a receipt for blocked account.	
Cont. from 011714		Receipt for Blocked Account filed on 1/7/14.	Note: An Ex Parte Order to make Interbank Transfer of Funds from Blocked Account in the Estate of Eric Paul O'Neal, page 13 of this calendar, was filed on 2/5/14 ordering Wells Fargo to transfer \$239,082.00 into a blocked account at Chase Bank and to transfer \$239,082.00 from Wells Fargo into a blocked account at Fresno County Federal Credit Union. Once the receipts are filed in Eric's estate (page 13) showing the transfers this matter can come off calendar.
Aff.Sub.Wit.		The Receipt for Blocked Account shows that \$202,676.24 was deposited at Wells Fargo. This amount, along with the \$513,488.89 on page 5 of this calendar, exceeds the amount that is federally insured.	
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
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Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
			Reviewed by: KT
			Reviewed on: 2/10/14
			Updates:
			Recommendation:
			File 14 – O'Neal